

ESTTA Tracking number: **ESTTA33139**

Filing date: **05/16/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Chanel, Inc.
Granted to Date of previous extension	05/15/2005
Address	9 West 57th Street New York, NY 10019 UNITED STATES

Correspondence information	Stephanie H. Sandler, Esq. Chanel, Inc. 9 West 57th Street New York, NY 10019 UNITED STATES stephanie.sandler@chanelusa.com Phone:212-715-4817
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Applicant Information

Application No	78294350	Publication date	11/16/2004
Opposition Filing Date	05/16/2005	Opposition Period Ends	05/15/2005
Applicant	Bowman, Diaz, & Mokry, General Partnership 3677 Brookshire St. San Diego, CA 92111		

	UNITED STATES
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Goods/Services Affected by Opposition

Class 016.

All goods and services in the class are opposed, namely: Decals, posters, art prints, cartoon prints, color prints, stickers, bumper stickers, and kits for preparing decals, posters, art prints, cartoon prints, color prints, stickers, bumper stickers comprising paper, glue, pencils, and markers.

Class 025.

All goods and services in the class are opposed, namely: Clothing, namely, headwear, footwear, belts, underwear, bathing suits, tank tops, shirts, jackets, sweaters, sweatshirts, wristbands, sweat pants, pants, motocross pants, shorts, jerseys, motocross socks, motocross gloves, hats, sun visors, caps, motocross boots, shoes, insoles, sandals, and slippers

Attachments	MISCELLANEOUS DESIGN OPPOSITION online.pdf (5 pages)
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Signature	/Stephanie Sandler/
Name	Stephanie H. Sandler, Esq.
Date	05/16/2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 78/294,350
Mark: Miscellaneous Design

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Chanel, Inc., :

Opposer,

- against -

Bowman, Diaz, & Mokry, General Partnership

Applicant.

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NOTICE OF OPPOSITION

Opposer, Chanel, Inc., a New York corporation organized and existing under the laws of the State of New York, located and doing business at 9 West 57th Street, New York, New York 10019, believes that it would be damaged by the issuance of a registration for the trademark shown in Application Serial No. 78/294,350 for the mark Miscellaneous Design in Classes 16 and 25 and therefore opposes the same.

As grounds for its opposition, Opposer alleges as follows:

Opposer is the owner of a design comprising interlocking, back-to-back letter C's, known as the "CC Monogram", which it has used for a broad array of consumer goods dating back to 1920. The CC Monogram is a world-famous trademark instantly recognized as denoting goods of the highest quality emanating from Chanel.

2. Opposer is the owner of all right, title and interest in and to the CC Monogram trademark, registered in the U.S. Patent and Trademark Office, as follows:

Mark	Reg. No.	Date of First Use	Goods/Services
CC and Design	399,751	1925	toilet soap
CC and Design	799,642	01/01/1920	bath powder, talcum powder, bath oil, after shave lotion and after bath oil spray
CC (Stylized)	1,293,398	11/1981	retail store services in the field of ready-to-wear clothing and shoes
CC and Design	1,241,264	12/21/1976	suits, jackets, skirts, dresses, pants, blouses, tunics, sweaters, cardigans, tee-shirts, capes, coats, raincoats, jackets made of feathers, shawls, scarves, shoes and boots
CC CRISTALLE CHANEL and Design	1,271,445	11/23/1976	Fragrance
CC CRISTALLE CHANEL and Design	1,278,542	11/23/1976	bath powder, body lotion, bathing gel and toilet soap
CC CHANEL and Design	1,329,750	07/15/1980	blouses, skirts, sweaters, cardigans, dresses
CC and Design	1,347,094	01/01/1920	a full line of perfumery, cosmetics and toiletries
CHANEL CC and Design	1,464,711	10/1981	barrettes, combs, hair clips, hair bands, hair bows, collar bows, artificial flowers
CC (Stylized)	1,501,898	09/1981 8/1986 (Gift Wrapping Paper)	keychains, costume jewelry, gift wrapping paper, blouses, shoes, belts, scarves, jackets, men's ties, brooches, buttons for clothing
CC and Design	1,654,350	1984	make-up brushes
CC (Stylized)	1,654,252	01/1990	Sunglasses
CC (Stylized)	1,734,822	1954	leather goods; namely, handbags, wallets, travel bags, luggage, business card cases, change purses, tote bags, and cosmetic bags sold empty

These registrations are valid, subsisting and in full force and effect, and constitute prima facie evidence of the validity of the marks and of Opposer's exclusive right to use them on the goods or in connection with the services in the registrations listed above. All of the registrations are

incontestable, and thereby constitute conclusive evidence of Opposer's exclusive right to use the marks for the goods and services, in accordance with 15 U.S.C. §1065. In addition, the registrations are proof of the inherent distinctiveness of Opposer's mark.

3. In addition to the above-referenced goods for which Opposer has secured registrations, Opposer began promoting the CC Monogram mark for skis in 2000, and has since expanded use of the CC Monogram to snowboards, surfboards and tennis rackets.

4. In addition to being reproduced on millions of dollars worth of consumer goods, the CC Monogram is featured extensively in advertisements in television and print, as well as on the Opposer's website. Merchandise bearing the CC Monogram is regarded as a status symbol, and is highly desirable. Due to the careful monitoring of Opposer's image and products, Opposer is able to command luxury-goods prices for merchandise bearing the CC Monogram due to its exclusive yet widespread appeal.

5. As a result of Opposer's use for more than eighty years of the CC Monogram in commerce in the United States, the CC Monogram has acquired enormous value and has become famous and well-known to the consuming public and the trade as identifying and distinguishing goods and services exclusively from, or authorized by, Opposer.

6. On August 29, 2003, Applicant applied on the basis of intent-to-use, to register a mark comprising primarily interlocking and back-to-back letter C's for decals, posters, art prints, cartoon prints, stickers, bumper stickers, and kits for preparing decals, posters, art prints, cartoon prints, color prints, stickers, bumper stickers comprising paper, glue, pencils, and markers; and clothing, namely, headwear, footwear, belts, underwear, bathing suits, tank tops, shirts, jackets, sweaters, sweatshirts, wristbands, sweat pants, pants, motocross pants, shorts, jerseys, motocross

socks, motocross gloves, hats, sun visors, caps, motocross boots, shoes, insoles, sandals, slippers.

This application was assigned Serial No. 78/294,350.

7. Based on Applicant's filing date for the Class 16 and 25 goods, Opposer has priority of use with respect to its CC Monogram mark.

8. Applicant's mark, as shown in Application Serial No. 78/294,350, has a design element that is highly similar to Opposer's previously used and registered CC Monogram mark.

9. Use and registration of Applicant's mark as shown in Serial No. 78/294,350 is likely to cause confusion, or to cause mistake, or to deceive the public as to the source or origin of Applicant's goods, in violation of Sections 32 (1) and 43(a) of the Federal Trademark Act, 15 U.S.C. §§ 14(1) and 1125 (a).

10. Because Opposer's CC Monogram mark is famous, Applicant's use and registration of a highly similar design will dilute the distinctiveness of Opposer's mark by blurring.

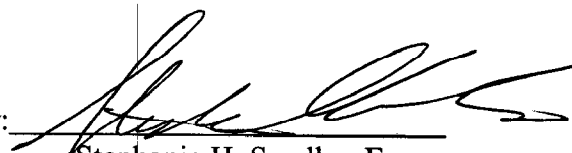
The registration of Applicant's mark is inconsistent with Opposer's prior rights in the CC Monogram mark and is inconsistent with Opposer's statutory grant of exclusivity of use of the registered CC Monogram mark, and would destroy Opposer's investment and good will in its CC Monogram mark. Accordingly, Applicant's use and registration of a design incorporating a CC Monogram design is in violation of Section 43(c) of the Federal Trademark Act, 15 U.S.C. §1125 (c).

WHEREFORE, Opposer requests that its Notice of Opposition be granted and that Application Serial No. 78/294,350 be denied.

Dated: New York, New York
May 13, 2005

Respectfully submitted,

CHANEL, INC.

By: 

Stephanie H. Sandler, Esq.
Attorney for Opposer
9 West 57th Street
New York, New York 10019
(212) 715-4817